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THE  
TRYAL  
OF  
NEALE MOLLOY, Esq;  
AND  
VERE MOLLOY,  
HIS WIFE,

At a Sitting of his Majesty's Commission of OYER  
and TERMINER, and General Goal Delivery,  
for the City of DUBLIN.

On FRIDAY the 10th of DECEMBER, 1762.

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T H E  
T R Y A L, &c.

**At a Sitting of His Majesty's Commission of  
O Y E R and T E R M I N E R, and General  
Goal Delivery, for the County of the City of  
Dublin, on Friday December 10th, 1762; before  
the Honourable Christopher Robinson, Esq; second  
Justice of His Majesty's Court of King's-Bench,  
and Alexander Mc Aulay, Esq; one of His Ma-  
jesty's Counsel at Law.**

The King against Neale Molloy, and Vere Molloy his Wife.

*The Court being sat, the following Jury were sworn.*

- 1 John Putland, Esq; Foreman,
- 2 William Nenoe, Esq;
- 3 Albert Gledstanes,
- 4 David Aigoin,
- 5 Thomas Bunbury,
- 6 Jeremiah Digby,

*Council for Crown.*

- Mr. Prime Serjeant,
- Edmund Sexton Pery, Esq;
- Thomas Fitzgibbon, Esq;
- William Whittingham, Esq;
- John M' Farran, Esq;

- 7 James Varilles,
- 8 John Wilmott,
- 9 Edward Meares,
- 10 George Carleton,
- 11 Thomas Blair,
- 12 Thomas Blood.

*Council for Traversers.*

- Rt. Hon. Anthony Malone,
- William Harward, Esq;
- John Fitzgibbon, Esq;
- Edmund Costeloe, Esq;
- Laughlin Daly, Esq;
- Henry Cope, Esq;
- John Lamb, Esq;
- Thomas Kelly, Esq;
- Hugh Carmichael, Esq;

**T**HE Court observed there were three Indictments, the second of which was for one of the Offences contained in the first, and therefore quashed it; and the Traversers were charged by the Clerk of the Crown on

the first and third Indictments, which set forth in substance : That *Neale Molloy*, of the City of *Dublin*, Esq; and *Vere Molloy* his Wife, on the 30th Day of *December*, in the 26th Year of the Reign of our late Sovereign Lord *George II. of Great-Britain, France and Ireland*, King, &c. and divers other Days and Times, as well before as afterwards, at *Dublin* aforesaid, to wit, in the Parish of St. *Michael the Arch-Angel*, in the Ward of St. *Michael*, in the County of the City of *Dublin* aforesaid, unlawfully, wickedly, cruelly, and unnaturally contriving and intending the Destruction of *Sarah Molloy*, Daughter of the said *Neale*, and *Vere Molloy* his Wife, with Force and Arms, in and upon the said *Sarah Molloy*, in the Peace of God, and our said Lord the King, then and there being, did make an Assault ; and her the said *Sarah Molloy*, then and there did beat, wound, and evil intreat, and the said *Neale Molloy*, and *Vere Molloy* his Wife, in Pursuance of their wicked, cruel, and unnatural Intention, her the said *Sarah Molloy*, then and there, with Force and Arms, unlawfully did take and imprison, and her the said *Sarah Molloy*, from the said 30th Day of *December* for the Space of ten Years afterwards, at *Dublin* aforesaid, in the Parish and Ward aforesaid, in Prison, did unlawfully, and without common Sustenance and Necessaries, keep and detain : And that the said *Neale Molloy*, and *Vere Molloy* his Wife, further, in Pursuance of, and to carry into Execution their said unlawful, wicked, cruel, and unnatural Intention, Afterwards, to wit, on the 20th Day of *January*, in the second Year of the Reign of our Sovereign Lord *GEORGE the THIRD*, with Force and Arms, at *Dublin* aforesaid, in the Parish and Ward aforesaid, in and upon the said *Sarah Molloy* did make an Assault, and her the said *Sarah Molloy*, then and there did bind and tye with Cords ; and her the said *Sarah Molloy*, so bound and tyed with Cords, then and there did abandon and expose, with an Intent that the said *Sarah Molloy* should then and there perish : And that the said *Vere Molloy* also assaulted the said *Sarah Molloy*, on the 20th of *November*, the 26th Year of the late King.

The Defendants severally traversed these Indictments.

The

*Counsel for the Crown.*

This is an Indictment against the Traversers; that they on the 30th of December, 26th of the late King, and divers Days before and after, assaulted and wounded *Sarah Molloy* their Daughter, intending her Destruction, imprisoned her, and kept her without the Necessaries of Life; and that the Imprisonment continued ten Years: But the Days of Assault, or Time of continuing in Prison, are not material for the Consideration of the Jury. The only Thing material for them to consider is, whether this Child received such Treatment or not. A Man cannot but feel uncommon Concern in stating Cases of this Nature; repeating Acts of Cruelty and Inhumanity from a Parent to a Child, must give Pain to the Speaker as well as the Hearers. The Nature of the Case in General according to my Instructions, is this: *Mrs. Vere Molloy* had taken an unnatural Aversion to her Daughter, treated her with the greatest Cruelty, kept her in a Closet under Lock and Key, without Necessaries, Fire or Candle, that the Window of this Closet was fastened with a Padlock, and the Shutters constantly barred, not even Light, which is common to all, was she to enjoy: From this Treatment she was reduced to the utmost Distress, to a Skeleton in Appearance, and from Necessity and want of Food, overgrown with Hair: Her Mind was as much neglected as her Body; at the Age of 16 or 17 she could not say a single Prayer, and being asked whether she could say the Lord's Prayer, answered, she knew not the Meaning of the Expression? In this Condition she must have perished, if Providence had not placed some good-natured Persons within the hearing of her Cries, who fed her from Time to Time, by putting Meat, &c. under the Door of the Closet. Among many other Instances of the Cruelty, one very remarkable Instance as mentioned in my Brief is, that when the Family removed from the Town to the Country, she was put into the Boot of the Coach; which will appear from the Testimony of *Mr. Woodrooff*, a Surgeon of Eminence in this City.

These are the Out-lines; but it is necessary shortly to State the Course of the Evidence, intended to be offered on the

Part of the Crown; according to which it will appear to you Lordship and the Jury, if my Instructions are true, that in the Year 1737, this Child commenced her wretched Existence, was first given to Nurse to *Eleanor Campbell*, then to a dry Nurse, and sent into the Country for about a Year. That after her Return, *Eleanor Campbell* frequently visited her Child, (Nurses in this Country being remarkable for their Fondness and Affection to the Children committed to their Care) and found she was treated with the utmost Severity by Mrs. *Molloy*, and complained of it; upon which she was afterwards constantly refused Access to the Child. In 1750, the Traversers resided in *Chancery-Lane*, and *Christopher Eaton* a Carpenter, happening in that Year to do Business in the House with one *Strong* a Carpenter, and *Slack* a Painter, they were surprised with a Child running in to them, in a wretched Condition, with uplifted Arms, begging for God's Sake for something to Eat, for that she was Famishing, and said she was the Daughter of Mr. *Molloy*. *Slack* had brought his Dinner in his Pocket, and gave her some Bread and Meat, which she eat in a most ravenous Manner; and afterwards desired for God's sake, not to mention to her Mother that they had seen her, for that if they did, her Mother would treat her with the greatest Cruelty.

In 1752, *Margaret Gilleroy* lived as a Servant with Mr. and Mrs. *Molloy*, and was a Week in the House without knowing that they had a Daughter. One Day, in the Back-yard she heard the Cry of a Female Voice from an upper Window, and found it was *Sarah Molloy*, who, on being asked what was the Matter, said she was almost starved with Hunger and Cold; *Gilleroy* supplied her from Time to Time, and will mention in what Manner the Mother thought proper to correct her: generally with some dangerous Instrument, such as a large Bunch of Iron Keys, and at one Time, particularly when she had a Scald Head, which covered her with Blood.

In 1753, they removed to *Dorset-Street*, to the House of one *Magrath*, where the same Treatment continued.

*Arabella Mara* lived with them in *Chancery-Lane*, and a Child came into the Kitchen, seeming about 14 or 15, took up some Turnip-Peels, and ran away with them and eat them: Master *Molloy* then being present, she asked what

Figure that was, and the Child answered, it was his Sister, and begged that she would take Care of her, which she did ; and otherwise *Sarab Molloy* would have famished. This Woman mentions a remarkable Instance of the Severity with which *Sarab* was treated ; the Servant Maid went up with her Mistress to get some Sugar, the Child followed, and attempted to take some Sugar, the Mother took up the Sugar Mallet and knocked her down, whereby she was covered with Blood, and her Death might have been the probable Consequence of that Blow : Another remarkable Instance will appear from one *Walsh* a Slater, who was employed to do some Work for Mr. *Molloy* ; he sent one *Hog* his Journeyman up the Ladder, who looking into their Closet Window saw a strange object all grown over with Hair ; he was so much affrighted, he descended the Ladder in a very precipitate Manner, which occasioned *Walsh* to ask *Hog* what was the Matter, he answered, he was greatly frightned, for he had seen a terrible Figure in the Closet, which he believed to be a Fairy, upon which *Walsh* went up the Ladder and found *Sarab* at the Closet Window in a most wretched Condition, and almost famished.

In 1751, *Mary Nary* was employed to take Care of Mr. *Gregory*'s House, which looked into the Yard of Mr. *Molloy*'s House ; she heard the Cries of a Child, and on looking towards the Place from whence the Noise came, saw her at the Window, and put Bread and Meat on a Pack-thread, and conveyed it to the Window by her Son. So that it was by the fortunate Interposition of these Persons from Time to Time, that she did not perish : this made a Noise in the Neighbourhood, and came to the Ears of Mr. *Thomas Smith*, who thought it his Duty to put it into a Method of Inquiry ; and he applied to Doctor *King*, the Parish Clergyman, and desired that he and the Church-wardens might inquire into this Transaction, which was done, and found but too true. Another Gentleman, since dead, who was an Ornament to our Profession, and was one of the most benevolent and most amiable of Men, and happened to have an Acquaintance with Mr. *Molloy*, that Gentleman interposed, examined the Witnesses, and concurred that these Facts were well founded ; but upon solemn Assurances that the Child should for the future

future be taken Care of, and in Pity to the Parents, that these shocking Scenes should not be disclosed, Mr. *Smith*, in Compliance with the Opinions of the before-mentioned Gentlemen, did not further interfere at that Time.

The 20th of *January* last, a Child was found at a Door in *Ross-Lane*, almost naked, tied with Cords, and cut and wounded, and was handed over to the Care of the Wife of the Beadle, with whom she continued till *May* : No Person having in all that Time mentioned who she was ; she was then sent to the Hospital of *Incurables*, several of the Persons that I have before named went to see her.

*Mara*, before she was admitted said, if this is *Sarah Molloy* she has a Wound on her Head. *Nary*, before she was admitted, said she has a Weakness in one of her Hands, and found it so ; and therefore both these Witnesses believed it was the same : Another before she saw her, mentioned the Colour of her Hair and Eyes ; and *Eleanor Campbell*, before she saw her, mentioned that she had two Marks, a black Speck on her Thigh, on the Outside towards the Middle of it, the Shape of a *Trout*, and a Mole on her Left Breast. All these Witnesses swear she is *Sarah Molloy* the Traverser's Daughter, but whether the Girl in the Hospital is the same Person who has been assaulted, starved and imprisoned, is not material ; the Assaults and Imprisonment are the Facts to be enquired about : The Jury will consider whether there were such Assaults and Imprisonment or not, and if they are prov'd to the Satisfaction of the Jury, will find the Traversers guilty thereof.

Tho' a Parent may chastise a Child for the Good of that Child, yet that is not to extend to Acts of Barbarity, for if it shall appear that Miss *Molloy* was knocked down with the Keys and Mallet, and was Imprisoned, the Evidence is clear to convict the Traversers, and if Mrs. *Molloy* hath been hardly treated by the Suspicion that this Child in the Hospital is her Daughter, she must blame herself, her own cruel and barbarous Conduct has been the Occasion of that Suspicion. I have not stated any Act done by Mr. *Molloy*, but if these Facts are true, they are brought home to himself ; it was Criminal in him to be Passive, he ought not to have suffered his Wife to have treated his Daughter with this Severity,

verity, and if he was in the Coach at the Time the Child was put into the Boot, he is Guilty. This is his own Act, and it brings the Charge home to himself: I have stateed the Facts truly, as they are set out in my Brief: But you, Gentlemen, will take the Evidence, not from the Stating of Council, but from the Mouths of Witnesses; I have not aggravated any Circumstance of this extraordinary Case, nor have I endeavoured to raise the least Emotion in your Minds, though I confess I could not repeat such a Story without feeling some Emotion myself: This Affair has been much the Subject of Discourse in this City, but it is your Duty to attend to the Evidence only, and to divest your Minds of every other Impression.

*The first Witness called, was Eleanor Campbell.*

Q. **D**O you know *Neale Molloy*?

A. **I** do.

Q. Do you know his Wife?

A. I do.

Q. How long?

A. About twenty-seven Years.

Q. Was you at any Time, and when employed by Mr. *Molloy* or his Wife?

Q. By his Wife for a Nurse.

Q. Whose Child?

A. I suppose it was Mr. *Molloy*'s, I can't prove he was the Father of it.

Q. How long ago?

A. Mr. *Molloy*'s Daughter is about twenty-six Years old last *Michaelmas*.

Q. How long was you hired before Mrs. *M.* was brought to bed?

A. Nine Months.

Q. Was it a Male or Female Child you was to Nurse?

A. A Female Child: She had a *Mole* under her Right Breast, and a *Mark* resembling a *Trout* on her Right Thigh.

Q. On what Part of her Thigh?

A. About the Middle, above her Knee, on the Outside.

Q. How long did you Nurse this Child?

A. Two Years.

Q. You

Q. You continued two Years in the House ?

A. No. I nursed her at my own House in *Strand-Street*.

Q. How soon after you quitted the Service did you see the Child ?

A. About a Month or five Weeks after, I and my Husband went to see the Child at *Curduff* or *Branches-Town* ; I saw her at a Farmer's Wife's ; I was concerned for the Child. Mrs. *Molloy* told me the Child should be used well, and desired me not to concern myself about it.

Q. Did you see this Child afterwards at any Place ?

A. After coming home from Dry-nurse, I went to *Chancery Lane* to see her, and saw her five or six Times afterwards ; the Woman with whom she was placed, was Mrs. *Molloy*'s own Nurse, as Mrs. *Molloy* told me, when she desired I would not trouble myself, for that she would be well used.

Q. How often did you see her after she was brought from Dry-nurse ?

A. Five or six Times.

Q. When was she brought from Dry-nurse ?

A. I can't tell.

Q. Was it one Year, or how long ?

A. I can't tell, for I did not set it down.

Q. Did you often go to *Chancery Lane* to see this Child ?

A. I went five or six Times, they would not let me see her, but said she went to *France* for Education. I went and rapped at the Door after hearing that the Child was Famineed, and Mr. *Molloy* opened the Door, and I desired to have my Child, and I would giver her Bread with my own five Children.

Q. When was that ?

A. Ten Years ago at *Christmas* last.

Q. How soon did you see her in *Chancery Lane* after she was brought from *Curduff* ?

A. She was about seven Years old when I first saw her, after she came home from the Dry-nurse.

Q. How often did you see her in *Chancery Lane* ?

A. About five or six Times.

Q. How long was the Child at Dry-nurse ?

A. I can't tell, but I saw her five or six Times, and she was about seven Years old, and I was refused to get Admit-tance afterwards.

Q. Do

Q. Do you know how she was treated?

A. Her Mother would have her keep her Hands before her, and if she did not, beat her and slapped her on the Hands, and beat her for saying she loved her Mammy *Campbell*.

Q. Was you at the Hospital of *Incurables* in *October* last?

A. I was, and the Way I heard she was at the Hospital was, that I was told by two Men that a fine Child was in *Ross-Lane*, and that she was Mr. *Molloy's* Daughter, I was asked if I should know her if I saw her; I said I should.

Q. Who did you tell this to?

A. To Mr. *Russell* in *Strand-Street*: I went to the Hospital after this, and desired to go in to see the Girl that was in *Ross-Lane*; Mrs. *Drury* asked if she had any Marks, I said yes, and declared the Marks, and went into the Ward and saw the Child, and said *Sally* are you there, that is a fine Place you are in, instead of getting Education in *France*, and I stripped the Child after I came to myself, for I had not Power at first, I trembled so.

Q. Who did you declare the Marks to?

A. To Mrs. *Drury*, who went with me and examined the Marks.

Q. Did you strip the Child?

A. I got the Nurse to strip the Child: Mrs. *Drury* was by, and saw the Marks.

Q. Did the Marks answer those you found on the Child you Nursed?

A. They were the same Marks.

Q. Were the Marks you saw in the Hospital the same?

A. They were not so large when I saw them first, but from my Observation after Growth, I believe they were the same Marks; the Marks were the same, but were larger when I saw her in the Hospital.

Q. What did you tell Mrs. *Drury* the Marks were?

A. That she was marked with a *Mole* under the Right Breast, and the Mark of a *Trout* on her Thigh.

Q. Which Thigh?

A. (after much hesitation) The Left.

*Cross Examination by Traverser's Counsel.*

Q. How long did you give Suck to the Child ?

A. Fourteen Months.

Q. How long before the Child went to Nurse were you hired by Mr. *Molloy* ?

A. Nine Months.

Q. How long was the Child born before you took it to Nurse ? was it immediately after Mrs. *Molloy*'s Delivery ?

A. Mrs. *Molloy* was laid in Bed after being delivered, and I immediately got the Child.

Q. Was it the same Day of the Delivery ?

A. It was.

Q. Was you acquainted with Mrs. *Molloy* before you were hired ?

A. I was not acquainted with her before, but one Mr. *Shea*, a Wine Merchant, recommended me to the Nursing.

Q. Did you ever see Mrs. *Molloy* before the Day of her Delivery ?

A. Yes, when I was hired.

Q. How long do Women usually go with Child ?

A. Nine Months.

Q. You was hired then the Night the Child was begot, was you ?

A. I don't know that, every Body can't recollect at once what they ought to say ; I must look, I could not be hired nine Months, it was not above nine Weeks that I was hired before the Delivery.

Q. You and your Husband went to see the Child at *Curduff* ?

A. Yes.

Q. How often ?

A. Three or four times.

Q. How soon after you gave up the Child, was she sent to *Curduff* ?

A. They told me they sent her that Evening.

Q. Who told you so ?

A. Mrs. *Molloy*.

Q. How long was the Child at *Curduff* ?

A. I can't tell.

Q. Was she there half a Year, a Year, or Two Years ?

A. I

A. I can't tell how long.

Q. What Distance of Time was there between your first and last Visit to *Curduff*?

A. I can't tell directly or particularly, I went to St. *John's Well*.

Q. Was that the first or the last Time you went to St. *John's Well*?

A. It was neither the first nor the last Time.

Q. Was it in *Spring*, *Winter*, or *Summer*, the Child was taken from you?

A. I can't tell directly, for I did not set it down.

Q. What! not set it down, or remember whether it was *Spring*, *Winter*, or *Summer*, that you left her at home, and you so fond of the Child?

A. I cannot recollect, for I never thought it would come this.

Q. Was it a Twelve-month between your first and last Visit?

A. It was not twelve Months between the first and the first Visit, for I saw her those three or four Times in the first three or four Months of the Time she was at *Curduff*?

Q. After your last Visit to *Curduff*, when did you first see Mrs. *Molloy*, Mr. *Molloy*, or the Child?

A. I did not see Mrs. *Molloy* from the Day she took her Child from me, till the Child came home from Dry-Nurse, when I went to see the Child in *Chancery-Lane*.

Q. Was it one, two or three Years after the Child came home from *Chancery-Lane*, that you saw her there?

A. I can't directly tell, I am not sure.

Q. Was it four, five, or six Years?

A. I can't tell.

Q. Did you go soon after you heard the Child came home?

A. They had her a good while at home, but how long I can't tell.

Q. When you left off visiting her at *Curduff*, did you ever enquire about this Child from Mr. or Mrs. *Molloy*?

A. I often enquired, but the Servants told me the Child was mighty well.

Q. Why did you not go in and ask Mr. or Mrs. *Molloy*?

A. I did, but they were not at home.

Q. Do you remember the Day ?

A. No.

Q. What Apprehensions of Danger had you that the Child would not be taken Care of at *Curduff*, when Mrs. *Molloy* dismissed you not to trouble yourself, for that the Child would be taken Care of.

A. The Reason was, that I had observed great Cruelty before.

Q. Did you apprehend the Child would not be properly taken Care of by the Dry-nurse ?

A. No, I had no such Apprehensions.

Q. Then how came you to say that Mrs. *Molloy* desired you not to trouble yourself, for that the Child would be taken Care of; how came Mrs. *Molloy* to tell you so, when you had no Fears or Apprehensions ?

*Counsel for the Crown.*

This Witness my Lord did not say *Fear* but *Concern*.

Q. When the Child came home, how often did you see her ?

A. As often as I could get Admittance.

Q. How often ?

A. Five or six Times.

Q. Was Mrs. *Molloy* at home at those Times.

A. Yes.

Q. You observed that Mrs. *Molloy* would have the Child keep her Hands before her, and if she did not, hit her a slap when was that ?

A. Every Time I saw her of the five or six Times that went to *Chancery-Lane*, Mrs. *Molloy* beat her because the Child said she loved her Mammy *Campbell*, on Mrs. *Molloy*'s asking her who she loved best.

Q. Did you ever see her from the Time of your last Visit at *Curduff*, till the Time you saw her at *Chancery-Lane* ?

A. No.

Q. How old was she when you saw her at *Chancery-Lane* ?

A. About Seven.

Q. Then you must have been four Years eight Months when you did not see her, was it so; could you bear to be long from seeing a Child you loved so well ?

A. I could not help it.

Q. Was you hindred from going to see her at *Curduff*?

A. No, for I believe they did not know of my going there.

Q. Was you ever hindred from seeing her at *Chancery-Lane*, before the first Day that you did see her?

A. I had free Access for five or six Times, but not afterwards, I would not be let.

Q. Did this Child know you at the End of four Years and eight Months?

A. She always knew me as well the First, as the several other Times I saw her.

Q. The first Time you saw her at *Chancery-Lane*, did the Child know you?

A. The Child was very fond of me at that Time, she called out Nurse *Campbell*, immediately came over and kissed me, when her Mother told that was her Nurse.

Q. Was it the first Time that the Child called out Nurse *Campbell*: did the Child then know you?

A. I can't say, but she was very fond of me; I went five or six Times, and the Mother always asked who she loved best, and the Child said Mammy *Campbell*.

Q. And that after she was told by her Mother that you was her Nurse?

A. Yes.

Q. Did the Child know your Name was *Campbell*?

A. The Words used by the Mother were, there is your Nurse *Campbell*.

Q. Are you sure she said Nurse *Campbell*?

A. Yes.

Q. Did the Mother beat her for saying she loved you best?

A. She struck her because she said Mammy *Campbell*; the Mother said, You Jade, you love her better than me,

Q. Was this the first Time you saw her?

A. Yes.

Q. Did the Mother ask her this Question every Time you went?

A. Yes.

Q. And was she beat every Time?

A. She was used as I tell you, she beat her every Time when the Child made that Answer.

Q. How

Q. How soon after your seeing her the last Time, was you denied to be let in, and by whom?

A. Mrs. *Molloy* told me with her own Mouth that the Child was Visiting abroad, and that I could not see her.

Q. What! a Child of seven Years old visiting abroad, is that usual without her Parents?

A. She had gone out with Children.

Q. You say that Mr. *Molloy* told you that the Child was gone to *France* for Education: When did he tell you so?

A. That was about ten Years ago this *Christmas*, when I heard that the Child was ill treated, and perished for Want.

Q. Who told you so?

A. I heard it all in the Neighbourhood.

Q. Do you recollect which of your Neighbours told you so, and Name them?

A. Mrs. *Rooney* then called *Flanagan*.

Q. Where does she live?

A. Next Door to *Bridge-Row* in *Arron-Street*.

Q. When did you see her last?

A. Two or three Days ago.

Q. Had you any Conversation with her about giving Evidence in this Case?

A. Yes.

*The Witness proceeding to give an Account of the Conversation, it was objected that she spoke to Information.*

COURT. Upon the direct Examination she must not speak to Hearsay and Belief; but if on the Cross Examination you ask her to Belief or Hearsay, she must Answer.

Q. Well, what Conversation had you with this Mrs. *Rooney*?

A. I told her she must come and Witness that she had seen me Nurse the Child.

Q. When was it Mr. *Molloy* told you of his Daughter's going to *France* for her Education?

A. Immediately after the first Noise made of Starving her.

Q. How soon after you heard of this Child in *Ross-Lane*, did you go to the Hospital?

A. I went in the Evening as soon as I could go.

Q. Who told you of this Child in *Ross-Lane*, and what?

A. I will tell you: two Men, one *M'Loughlin* in *Boot-Lane*, and

and another Man whom I do not know, came into Mr. *Russell's* and told it, but I was not then present, but Mr. *Russell* sent for me, and then *McLoughlin* asked me if I nursed a Child for Mr. *Molloy*, and if I should know her, and I said Yes, but that she was sent abroad for her Education ; I went then to the Hospital, and these two Men went there before me, and *Russell* went with them.

Q. Did you ever hear the other Man's Name since ?

A. I did not.

Q. What Time in the Evening did this pass ?

A. It was Duskish.

Q. What Time of the Year was it ; how many Months ago ?

A. I can't directly tell, but it was about three Months ago.

Q. Did those Men go into the Hospital to see the Child ?

A. They did.

Q. Where they present when you examined about the Marks ?

A. I can't tell, the Moment I saw her I said that is *Sarah Molloy*, the Child I nursed, that was before I looked at the Marks.

Q. How soon after you saw the Child, did you see *McLoughlin* and the other Man ?

A. I do not know whether I saw *McLoughlin* that Night or no.

Q. Did you see him since ?

A. Often since, but not the other Man.

Q. Do you know Mr. *Smyth* the Attorney ?

A. Yes.

Q. Look round and see if you know him here.

A. I do know him, there he is, (*pointing to him*) he was the first Man came to me after I had been at the Hospital.

Q. Did you ever see *McLoughlin* or your Landlord, or the other Man with Mr. *Smyth*.

A. I did not; Mr. *Smyth* came to me the Day after ; I did not know him ; I thought he was Mr. *Molloy's* Friend, till what Mr. *Smyth* said. He asked where one Widow *Campbell* lived, and my Daughter told him.

Q. Tell what passed when you met him.

A. I saw him at *Ringwood's* in *Capel-Street*, and he asked me,

Was I seeing that Child in the Hospital, and whether that was the Child I nursed? I said Yes, I was sure it was; and that if the Child had had no Mark on her I should know her. Mr. Smyth said he had no View only Charity; and said, that if I knew the Child, I should do right to tell it; but not to tell an Un-truth; for then I should be as bad as those who used her so ill.

Q. After you left *Ringwood's* in *Capel-Street*, did you see him, and where?

A. Yes, at Alderman *Sweeny's*.

Q. Did you tell the Alderman any Thing?

A. Told him what I told Mr. Symth.

Q. Who was it that told *Smyth* that you was at the Hospital?

A. I do not know who, but believe he heard it at the *Incurables*.

Q. Did you ever send any Body to let him know that you saw the Child, and could swear to it?

A. I did not.

Q. Did not you give in Examinations at this Time?

A. I did.

Q. Who drew the Examinations; was it the Alderman?

A. It was not.

Q. Were they not ready drawn before you went to the Alderman's?

A. I don't know.

Q. Was it not by Mr. Smyth? [Mr. Smyth himself acknowledged it in COURT.]

Q. Who read the Examination to you?

A. Mr. Smyth.

Q. Where?

A. Before the Alderman.

Q. Is what you have now said about the Child, the same Thing you swore at the Examination?

(*The Witness hesitated, and said*) I have gone as close as I could to the Examinations.

*The COURT here called for the Examinations and inspected them.*

COURT. You say now that the *Mole* was under the Right Breast, did you swear so in the Examination?

A. It was a Mistake.

Q. Did you tell the Person who read it that it was a Mistake, or were there two Swearings?

A. There

A. There were two.

Q. Who drew the first Examination or Affidavit?

A. Mr. Smyth.

Q. Did you swear to that first drawn Paper, and before whom?

A. Yes, before Mr. Sweeney.

COURT. There is but one Examination, and yet she says she swore twice.

Q. How soon after you saw Mr. Symth was it that you swore first? (*the Witness hesitated.*)

Q. Was it a Month?

A. No it was not.

Q. How soon after was the second sworn, was it one Day, two Days, or a Week?

A. I don't know.

Q. Did you declare the Marks in the same Manner in both Swearings, did you swear that the Mole was under the Left Breast both Times, or under the Right? Did you swear the Marks to be under the same Breast both Times? In the first Swearing you swore the Mark was under the Left Breast; did you swear the same the second Time? (*here she hesitated greatly, and endeavoured a considerable Time to evade answering the Questions directly, which were put by the COURT, by answering she swore to her Child?*)

COURT. In the first Affidavit or Examination, did not you swear that the Mole was under the Left Breast?

A. I did.

Q. Did you find out the Mistake before you made the second Swearing?

A. It was not then discovered, for it is so in both Examinations.

Q. What Distance of Time was there between your last Swearing, and your discovering that you had made a Mistake?

A. I can't tell directly.

Q. Was it within this last Month? Who told you of the Mistake first?

A. No-body told me.

Q. How came you to know it?

A. When People went to view the Burn on the Child.

Q. How long ago is that ?

A. I can't tell.

Q. Is it a Fortnight since you went to view the Burn; was not you to view the Child within a Fortnight ?

A. I did not look three Times at her since the first Day.

Q. When last did you look at her ?

A. I can't tell.

Q. Did you see this Child since you swore last ?

A. Yes, I did.

Q. How soon after the last Examination did you see her ?

A. I can't tell directly.

Q. Was it six Months ?

A. I can't tell directly.

Q. Did you find out that you had made a Mistake, till after you saw the Girl in the Hospital the second Time ?

A. I knew that I had forgot about the Mole.

Q. When ?

A. After the last Swearing, and before I saw the Girl.

Q. Did you recollect the Mistake before you saw the Child after the second Time : Did you tell Mr. *Smyth* of that Mistake before you saw the Child the second Time in the Hospital ?

A. It is but lately that I told Mr. *Smyth* that.

Q. How lately ; is it a Week or Fortnight ago ?

A. Mr. *Smyth* was greatly surprised that I should forget.

Q. When was that Surprize expressed ; is it a Month ago ?

A. It is within this Month I told *Smyth* of the Mistake.

Q. Did you examine the Marks a second Time, when you went into the Hospital after the second Swearing ?

A. No, I did not.

Q. Then, why did you go to the Hospital ?

A. I went often to see the Child.

Q. Did you ever examine those Marks but once ?

A. Never but once.

Q. Did you ever see her stript but once ?

A. Only when I went to look on the Burn.

Q. Is the Child you saw at the Hospital, whom you have sworn to, the Child you nursed for Mr. *Molloy*, or not ?

A. It is, the Girl I saw in the Hospital is the *Sally Molloy* whom I nursed, and the Daughter of Mr. *Molloy*.

Q. Do

Q. Do you swear positively that the Girl in the Hospital, that *Sally Molloy* given to you to Nurse ?

A. I do and will swear it to the Day of my Death.

*Council for the Traversers.*

The Girl in the Hospital is in the Chamber, we desire she may be brought before this Woman into Court.

Q. In the mean Time did you tell any Body of the Mistake, before you went to the Hospital the second Time ?

A. No-body, till after I went to the Hospital the second Time.

Q. Did you ever see *Sarah Molloy*, from her Age of seven years 'till you saw her in the Hospital ?

A. I never saw her till I saw her in the Hospital, since I w her in *Chancery-Lane*, when she was about seven Years d.

Q. Had *Sally Molloy*, the Child you nursed, any Impediment in her Speech ?

A. She had not.

Q. Did you ever converse with the Girl in the Hospital ?

A. I did speak to her, but she could not speak to me.

Q. Did you tell her that you was her Nurse ? or ask whe-er she knew you or not ?

A. Yes, often ; but she gave no Answer.

*Council for the Traversers.*

My Lord, it will now be very proper to have this Girl in the ospital brought up, that this Witness and others may view her. COURT. Be it so.

*The Girl was brought on the Table, sitting in an armed Chair.*

Q. Is this Girl the Daughter of Mr. and Mrs. *Molloy*, given you to nurse, and whom you suckled for 14 Months ?

A. I will be upon my Oath that it is.

Q. Are you sure, and can you swear positively, that this is the Girl given by Mrs. *Molloy* to you to nurse ?

A. I do swear it positively, and am very sure of it, (and she repeated several Times, upon the Questions being to her again, by the Counsel and the COURT).

Q. Look on the Face of that Girl, do you believe her to be 25 Years old ?

A. I do believe her to be above 25.

Q. When you spoke to the Girl, did you examine above her Mouth and Tongue, to see if she had suffered any Injury there.

A. I did not, for I was told the Doctor was examining her.

Q. And that in your Presence ?

A. No.

Q. Did you examine her Mouth ?

A. No.

Q. Do you not believe this unfortunate Person whom you see on the Table, has been an Ideot from her Birth ?

*The Witness did not seem to understand the Meaning of the Question, as to her being an Ideot.*

Q. A fool from her Birth ?

A. She was not a Fool.

Q. Do you not believe this Person to have been a Fool from her Birth ?

A. She had Sense as another Child.

Q. Do you believe it or not ?

A. I believe she has not been a Fool from her Birth.

#### *Council for Traversers.*

I apprehend, my Lord, it will not be improper to have a young Lady (whom we shall presently shew to be the Daughter of Mr. Molloy) brought up to ask this Witness some Questions about her.

#### *Council for the Crown.*

I apprehend it is not material in this Case, whether this is the real Sarah Molloy or not; for the single Question is, whether Sarah Molloy was assaulted and imprisoned or not; whether the Fact charged in the Indictment of the 20th January last be so or not, is of no Consequence; for if this Part, as to the exposing her to the Inclemency of the Weather in order to destroy her, should fall to the Ground, the other Parts of the Indictment stand in Force not extenuated, if there should be a Mistake as to the Identity.

COURT. It is a Part of the Cross Examination, and now properly introduced to Confront the Witness in the particular whether she is the same Person she nursed or not.

*Miss Molloy ordered then upon the Table.*

Q. Did you ever see this young Lady before?

A. I never saw her, till now that I see her on this Table.

Q. Do you know Mrs. Molloy?

A. I do.

Q. Look round and see is she here?

A. This is she (*pointing to her*) I can't be very sure, but she is very like her. I do believe it is she.

Q. Now look at that poor unfortunate Creature on the Table, and Mrs. Molloy, is there any Resemblance between them?

A. I can't say.

Q. Is there any Resemblance between Mrs. Molloy and this young Lady?

A. I can't say.

*Council for the Crown.*

As it tends to the Discovery of Truth, we desire that the Head of this young Lady may be looked at, to see whether there is any such Mark from the Bunch of Keys or not.

COURT. You are premature, as there is no Evidence yet given of it: She shall not depart the Court, till you have the Opportunity of viewing her Head, if you desire it.

Q. *Ellinor Campbell*, Did you ever, when you saw her in Chancery-lane with her Mother, see her stript naked, or not?

A. She was not stripped in my Presence.

Q. Did you ever see her naked, from the Time she went to Curduff till you saw her in the Hospital?

A. Never.

Q. Is a Mole distinguishable on a Child of 2 Years of Age?

A. It was as broad as my two Fingers between the Skin and the Flesh.

Q. Had the Child the Mole under the Right Breast when she was born?

A. She had it ever since she was born.

Q. When did you first discover it?

A. I discovered it about a Fortnight after I got her to nurse.  
 Q. Did you discover it before you parted with the Child ?  
 A. Often.  
 Q. How broad was it ? Was it as big as a Patch ?  
 A. No it was not, it was small.  
 Q. What Colour was it ?  
 A. What was on her Thigh was of a brown Colour, like a brown Crust of Bread.  
 Q. Was the Mole of the same, or darker or lighter ?  
 A. I do not know.  
 Q. Had you any Discourse with any People in the Hospital about those Marks, the second Time you went ?  
 A. I can't tell whether or no.

*The Council for the Traversers.*

*Then called Mrs. Margaret Smyth, and desired her and several other Persons in the COURT, to look upon the Persons on the Table, that they might know them again when called upon to give Evidence, and the last young Woman was ordered to withdraw, but not to depart the COURT.*

*Second Witness, Arabella Mara.*

Q. Do you know the *Traversers* ?  
 A. Yes.  
 Q. Did you live with them in 1752 ?  
 A. Yes.  
 Q. What Time was you hired ?  
 A. In January.  
 Q. How long did you live with them ?  
 A. Six Weeks, and two or three Days.  
 Q. Had they any Children ?  
 A. A Son and a Daughter.  
 Q. Any others ?  
 A. No.  
 Q. How long was you in the House before you saw the Daughter ?  
 A. I can't directly tell what Day of the Week I went there.  
 Q. How many Days was you in the House before you saw the Daughter ?  
 A. Three or four Days.

Q. Did

Q. Did you go into the Apartments ?

A. I cleaned the House.

Q. Where first did you see her ?

A. Coming down into the Kitchen, when she took up the Turnip Peels, which I had been peeling, and eat them ravenously (*meaning ravenously*).

Q. Did you know who this Child was ?

A. Her Brother told me.

*Council for the Traversers.*

What the Brother said to her is no Evidence.

Q. When did you next see this Child, called *Sarah Molloy* ?

A. The Monday afterwards.

Q. Where ?

A. From the Closet within her Mother's Chamber.

Q. Did she say any Thing ?

A. She asked me who was there ? is that the Maid, and asked to have a Bit of Bread given her for God's Sake, and I gave her some under the Door, I asked her how I should get it to her, and she said under the Door.

Q. Did she say any Thing more then ?

A. No.

Q. Had you any Conversation with her afterwards ?

A. No, but when her Mother came up, that I might have an Opportunity to make the Bed, I saw her sitting on the Cradle Bed in the Closet with her Hands folded.

Q. Was the Closet Door locked at the Time you speak of ?

A. It was.

Q. Who kept the Key ?

A. Her Mother.

Q. In what Condition did she appear ?

A. Her Face and Hands full of Hair, and in a miserable Condition.

Q. When the Bed was made, was the Closet Door locked ?

A. No, while I was making the Bed, her Mother took her down into the Parlour.

Q. When next did you see her ?

A. Not till Saturday Night afterwards, when her Mother went out to buy Mourning, I heard her screeching and crying,

ing, and I went and asked what was the Matter, when she said she was starving alive, and begged for Food.

Q. Was she locked up ?

A. Yes, in the same Closet, but I got into the Bed Chamber.

Q. Did you bring her Food ?

A. I brought Bread.

Q. How did you convey it ?

A. Under the Door.

Q. Was she confined from Monday till Saturday ?

A. No, she got Liberty when I came to make the Bed, but I asked her if she got any Thing in the Parlour, and she said she did not.

Q. Did she appear emaciated for Want of Food ?

A. She did, to be starving and perishing alive.

Q. When next did you see her ?

A. When her Mother brought me to get Sugar, and the Child followed and took a little Pinch of Sugar, and her Mother took the Sugar Mallet and knocked her in the Head.

Q. Did she receive a Wound from thence ?

A. Cut on the left Side of her Head.

Q. Did this Child eat any Thing during your living there, that disagreed with her ?

A. She took Part of the Man's brown Loaf, and the Kitchen Stuff, and eat it.

Q. What Age was she of ?

A. By Circumstances she was a Woman.

Q. What Kind of Kitchen Stuff ?

A. Bits and Scraps of Fat, that I took off the Plates, and which I had in a Crock, and she took it out of the Crock.

Q. What Effect had it on her ?

A. It purged her greatly, which I had particular Reason to know, for her Pot was not emptied for three Weeks.

Q. What was the Kitchen Stuff ?

A. Bits of Fat from both Tables.

Q. Had this Child Liberty to go about the House, and mix with the Family ?

A. No, I only saw her walking with her Mother up and down Stairs to the Parlour, except the Times before mentioned.

Q. What Age was she of ?

A. About

*A.* About sixteen or seventeen.

*Q.* Was she dressed as Mr. *Molloy's* Daughter?

*A.* She was very poorly cloathed, she had two little Night Gowns, one of which she wore a Week.

*Q.* Do you remember her?

*A.* I do remember the Features of her Face.

*Q.* Did you take Notice of the Cut at the Time?

*A.* I did.

*Q.* Did you ever see her since the Time of leaving your Service there?

*A.* Never till in the Hospital, when I knew her Face the Moment the Nurse in the Hospital took her up.

*Q.* Did you examine the Cut then?

*A.* No, but I told Mr. *Smyth* she had that Cut.

*Q.* Did you examine the Head of the Girl in the Hospital? Or did any one examine it in your Presence?

*A.* Yes, Mr. *Smyth* did, and I saw the Cut, and the same Cut I saw on the Girl in the Hospital, agreed with the Cut made with the Mallet on the left Side.

*Q.* Was this Cut on the Head what made you believe her to be the Daughter of Mr. *Molloy*?

*A.* No, the Features of her Face.

#### *Cross Examination.*

\* *Q.* Was this Girl on the Table, the Girl you have given this Evidence of, taking up the Turnip Peels, and eating the Kitchen Stuff?

*A.* I am very sure she is the same.

*Q.* Did she appear to be a Woman when you lived there?

*A.* Yes.

*Q.* How so?

*A.* By Circumstances.

*Q.* Can you judge of the Age of a Woman, by looking on the Face of a Person?

*A.* Yes.

\* This was the poor *Idiot* Girl from the Hospital, who remained sitting on the Table, and continued there during the Trial. The young Gentlewoman, produced as *Miss Molloy*, not being called again into Court by either Party.

*Q.* Look

Q. Look upon her: How old is she?

A. Twenty-six going on Twenty-seven.

Q. How do you judge that?

A. She herself told me, ten Years ago, that she was between Sixteen and Seventeen.

Q. Then she could converse?

A. Yes.

Q. Was she very able to converse?

A. I believe so, but had not Opportunity to converse with her?

Q. Did you try to converse with her in the Hospital?

A. I spoke to her.

Q. But no Answer?

A. No.

Q. Did she make Signs to you?

A. Yes, she did when I mentioned *Lattan* to her in *Wet-meath*, and she smiled, but could not answer.

Q. Ask her now, but don't touch her.

*The Witness did as she was bid, but the Girl took no Notice.*

Q. Is the Person on the Table the *Sarab Molloy* you have given an Account of?

A. She is that very same Person. I am sure she is *Sally Molloy*, (and this she again repeated.)

*Council for the Crown.*

I am just now informed, that Mr. *Woodroof*'s Testimony, about carrying the Child in the Boot of the Coach, (which I stated) is only hearsay; and therefore think it necessary to inform the COURT and Jury thereof.

COURT. You act very properly, and with becoming Candour in so doing.

*Third Witness, William Walsh.*

Q. What Business do you follow?

A. I am a Slater.

Q. Was you employed by Mr. *Molloy*?

A. Yes, at his House in *Chancery-lane*; I was at Work at Mr. *Malone*'s over the Way, and Mr. *Molloy* sent for me to examine his House: I sent up my Labourer, *Patrick Hogg*, to the Top of the House, to see what Repairs were wanted; and this

this Labourer having remained some Time to take Sparrows, he came down the Ladder in a great Hurry, I asked, if he had miss'd his Hold, he said not, but that he was greatly frightned, for he saw a Fairy in the Closet; I followed him up, and saw the young Lady in the Closet, the Window open.

Q. What Appearance did she make?

A. As near as possible to a Skeleton: She asked the Labourer to give her one of the young Sparrows he had got on the Top of the House; and the Maid bid him not, for that she would eat it alive, Feathers and all.

COURT. Speak only of your own Knowledge.

Q. Had you any Conversation with her?

A. I had not; but I recollect her Features, for I saw her very plain.

Q. How long did you remain on the Ladder?

A. About five Minutes.

Q. Did you ever see her since?

A. Upon hearing of the Report, I went to the Hospital about two Months ago, and looked upon the Creature there, and I believe in my Conscience that the Girl I saw there is the same Person I saw in *Chancery-lane*, for the Colour of her Hair and Forehead agreed.

Q. At the Time of your seeing that young Lady, what Effect had it on you?

A. Such Effect, that I was determined to have Advertisements printed, to see if any Redress could be had, for she was a mere living Skeleton.

Q. Did you do any thing in consequence of that Resolution?

A. No, for about two Months afterwards, I saw a Paragraph in *Faulkner's Paper*, that put a Stop to it.

Q. What was that Paragraph?

#### *Council for Traversers.*

Object. It is not proper to go into that.

#### *Cross Examination.*

Q. Look upon that Person, and say whether she is the Person you saw in the Closet?

A. I believe in my Conscience she is.

Q. Did you observe on the Person in the Closet, that was covered with Hair?

A. I saw Down upon her Face, there was short Hair on her Cheeks.

Q. Look on this Person's Face, and say, whether you believe there was ever any such Hair on her Face as you saw on the Child's Face in the Closet?

A. I can't tell.

Q. What do you believe?

A. I cannot say, without the help of a Glass.

Q. Look at her with this Glass (*reaching a Glass to the Witness*) has she now such Hair on her Cheeks as the Girl in the Closet?

A. She has not.

Q. Do you believe she ever had such Hair upon her Cheeks as you saw upon the Girl in the Closet?

A. I believe not.

Q. Did you ever work as a Slater for Mr. *Molloy* more than once?

A. No.

Q. When was it?

A. In October 1752, and I never worked for him before or after.

Q. Was you paid for that Work?

A. Yes.

Q. In the Year the Work was done?

A. Yes.

Q. Did you give a Receipt for it?

A. No, it was too trifling.

Q. Look upon that Paper, is that Name *Walsh* there you Hand-writing?

A. No, it is not, that is *Michael Walsh*, my Name is *William*

*Council for the Crown.*

Q. How far was you from the Girl when you was on the Ladder?

A. Within two Yards.

Q. Had you any Conversation with her?

A. No, except hearing her ask for the Sparrows.

Q. Is this the same Person you saw in the Closet?

A. I believe in my Conscience this was the same Person I saw in the Closet.

*Cross Examination continued.*

Q. Do you believe this Girl on the Table never had such Hair on her Cheeks, as you saw on her in the Closet?

A. Not so long.

Q. Do you believe this Girl had ever Hairs so long on her Cheeks, as that Girl in the Closet had?

A. I can't form any Opinion of it.

Q. What do you believe?

A. I believe she might have had it.

Q. Do you believe this was the very Girl you saw in the Closet?

A. I do believe it: I believe she might have had Hair so long as that Girl in the Closet.

Q. Did not you say you believed this Girl never had Hair so long on her Cheeks as that Girl?

A. I did not understand the Question.

Q. Well! now answer the Question?

A. I believe she might have had Hair as long as the Girl in the Closet.

Q. Which Answer then is the COURT and Jury to believe?

A. I would have the COURT and Jury understand, that I believe this Girl might have had Hair as long as that Girl's in the Closet.

*Council for the Crown.*

Q. What do you believe that Hair was owing to, might it not be from her Poverty?

A. I believe so.

Q. What was the Reason for your believing this Girl from the Hospital was the same?

A. From the Colour of her Hair and Forehead, and also from her features.

*Fourth Witness: Christopher Eaton.*

Q. What Trade are you of?

A. A Carpenter.

Q. Do you know Mr. Molloy?

A. Yes.

A. Yes.

Q. Since how long?

A. Since 1750.

Q. Where?

A. In Chancery-lane, I was at Work on his House.

Q. Was it the Inside of the House that you was employed about.

A. Yes. I was a short Time at Work on the Outside of the House, at the Troughs and Gutters, and about the second of July came to work within Doors, with Slack a Painter, and Strong a Carpenter, who were at work with me; this Girl came into the Dining-room, and asked for the Mercy of God, that if any of us had a Bit in our Pockets, we should give it her, for that she was famished; she made such a shocking Appearance, that at first, I assure you, Gentlemen, I was at a Loss whether she was a living Creature or an Apparition. I asked her, who she was, she said Counsellor Molloy's Daughter, and that her Mother had taken an Aversion to her; on this Slack the Painter took some Meat and Bread out of his Pocket, and she snatched at it, and tore and gnawed it greatly, and begg'd for God's-sake not to tell her Mother of it, or she would be ill used, and said, do not forget me, but while you stay here, will get some Opportunity to come to you; her Gown was but short, and as far of her Neck and Arms as I could see was covered with whitish Down or Hair.

Q. Did you observe the Colour of her Eyes and Hair?

A. Yes, she had grey Eyes and light coloured Hair.

Q. Did you observe Hair also on her Face?

A. Yes.

Q. What was the Occasion of that shocking Appearance?

A. I believe it was caused by Famine and Want, and she said

*Council for the Traversers.*

What the Girl said is not Evidence.

*Council for the Crown.*

It is Evidence, and we have gone hitherto upon that.

COURT. Go on.

A. Wh

A. When I asked her who she was, she told me she was Counsellor *Molloy*'s Daughter, and begg'd they would bring Victuals for her when they came, but desired they might conceal it from her Mother, or she would be used barbarously; we offered her Money, but she said Money was of no Use to her, for that there was not a Person in that House dare bring her Victuals for it: I saw her in the Back-parlour of the same House, and always with a Book in her Hand, raised up perpendicular against the Wainscot, and always with her Mother,

*Cross Examination.*

Q. Look on that Girl on the Table, did you see her in the Hospital.

A. Yes.

Q. Is this the Girl with whom you had that Conversation?

A. To the best of my Belief it is; when I went to the Hospital Mrs. *Drury* asked me Questions, as to the Colour of the Hair and Eyes of Mr. *Molloy*'s Daughter, I told her; and the Moment I saw her, I did, and now to the best of my Belief, do take her to be Mr. *Molloy*'s Daughter.

*Fifth Witness: James Gardiner.*

Q. Did you know the Traversers in 1751 or 1752?

A. Yes.

Q. Did you know *Sally* their Daughter?

A. I have seen her in 1751, and often conversed with her in 1752.

Q. What passed between you then?

A. I lived with Counsellor *Gregory*, the next House, and heard her out of the Window, calling out for the tender Mercy of God, for Food, I asked her how it should be convey'd to her, and she desired it might be given to the Servants, who would leave it at the Necessary-house, for that when her Mother would let her go down there, she would get it.

Q. Did she get it?

A. Yes, and thanked me for it, and begged more Kitchen Stuff, Skins of Potatoes, or any thing.

Q. When you saw her from the Window of the Closet, how did she appear?

A. Remarkably thin, and in a starving Condition.

Q. Who did she tell you it was that starved her ?

A. Her Mother.

Q. Is this Girl on the Table, the Girl you saw in *Chancery-lane* ?

A. I believe she is the same.

Q. Whereon do you found your Belief ?

A. Because her Arms were very small, and so were this Girl's.

*Cross Examination.*

Q. Did you go to see the Girl in the Hospital ?

A. Yes.

Q. Did you know her ?

A. Not positively, but I believe it was the Girl I saw in *Chancery-Lane*, from the Circumstance of the Arms, as I believed her to be such; I asked her if she was *Sarah Molloy*, and she seemed rejoiced and vastly pleased when I asked her whether she was that Girl or no, she after some Time answered Yes.

Q. Did she answer Yes.

A. I understood that she answered Yes, and many others were by.

Q. Look at this Girl and ask her now: but don't touch her ?

*The Witness did so, and she took not any Notice.*

Q. Did you ask her more than once ?

A. I did, and she answered the second Time Yes, more distinctly than the first Time.

Q. Do you now believe that this Girl, when you saw her at the Hospital, had either Sense or Apprehension ?

A. Very little (I believe).

Q. What was your Occupation when you was in *Chancery-lane* ?

A. Servant to Counsellor *Gregory*, and I am not ashamed to own it.

Q. Did you swear this Transaction ?

A. Yes, before Alderman *Sweeny*.

Q. Did you more than once ?

A. I swore first an Affidavit, and then an Examination.

Q. How long after swearing the Affidavit, did you swear to the Examination ?

A. About a Week after.

Q. Can

Q. Can you be certain as to the Years?

A. Pretty certain, I am quite certain as to the Year 1752.

Q. Was it before or after you made an Affidavit, that you asked that Girl this Question at the Hospital?

A. It was before.

Q. Did you in the Affidavit or Examination, mention that you asked those Questions and received that Answer?

A. I believe they were mentioned there, for I had told the Magistrate I had asked the Questions.

Q. Did you draw your own Examination and Affidavit?

A. I copied the Examination from the Affidavit.

Q. Did you mention those Particulars in your Affidavit and Examination, or not?

A. I cannot be particular.

Q. Did you tell any one before you swore the Affidavit, that you asked those Questions and received this Answer?

A. I did, Archdeacon *Mann*.

Q. Was any one present when you asked those Questions, and received those Answers?

A. Several Persons.

Q. Name them?

A. I don't know one of their Names: The Woman who took care of the Hospital, and several others were present, and all seemed surprized, and said that was the first time she had spoke since she was in the Hospital.

Q. Who were present?

A. Mrs. *Drury* and her Sister, and the Person who takes care of her.

Q. Was it at different Days you asked those Questions?

A. No, the same Day.

Q. Who drew your Affidavit?

A. Mr. *Smyth*.

Q. Did you tell Mr. *Smyth* before he drew it, whether you asked those Questions and received those Answers or not?

A. I cannot tell, but believe I did, I mentioned several Times to Mr. and Mrs. *Gregory*, at the Time the Girl cried out, and once Mr. and Mrs. *Gregory* and Mr. *Smyth* came into the Garden, and heard her cry out, and begged for a Morsel of something; they desired me to go and make an Affidavit of this or nothing could be done: And I did, and

was examined on Oath before Mr. Serjeant *Malone* at the Quay, and there were two more that went and made Oaths at the same Time, to the same Purposes.

Q. Who swore you?

A. Mr. Serjeant *Malone* himself.

*Counsel for the Crown.*

This shews this Charge took its Rise long before this Girl appeared in the Hospital.

*Counsel for the Traversers.*

Why then was there not a Prosecution in ten Years?

*Counsel for the Crown.*

We shall account for that.

*Counsel for the Crown.*

Wherever a Suit is depending, the swearing voluntary Affidavits of the Persons to be examined as Witnesses is very improper, and deserves the Censure of the Court. But the Fact, as to the Affidavits is, that when this Person was brought into the Hospital, and many believed it was the Person, there was an Advertisement in the Papers, calling upon Persons to certify whether this was the Child or not; and then Mr. *Molloy* inserted an Advertisement, calling for the Proofs, and that the Public should know it: At that Time before any Suit instituted, Mr. *Smyth*, for his Justification, called upon these Persons to go before Magistrates for this Purpose.

COURT. Such *Affidavits* are of most pernicious Tendency; they are considered as a kind of Tampering with Witnesses, and binding them down to a certain Testimony. As to the appealing to *News-papers* and *Journals*, about Matters to come before Courts of Justice; it is a most illegal and wicked Practice, as with other evil Consequences, it raises Prepossessions before Trial, and may render it sometimes an hard Matter to get unprejudiced Juries. I hope such a Practice may never be repeated hereafter.

*Sixth Witness: Mary Nary.*

Q. Do you know Mr. and Mrs. *Molloy*?

A. Yes.

*A.* Yes.

*Q.* Was you ever in their Service ?

*A.* Not in their Service, but kept Mr. *Gregory*' House for a Season.

*Q.* When ?

*A.* In 1751, and 1752.

*Q.* Was you a House-keeper ?

*A.* No, only kept the House while they were in the Country.

*Q.* Did you know whether Mr. *Molley* had a Daughter ?

*A.* Yes, and knew her, and often spoke to her between 1751 and 1752.

*Q.* In what Condition did she appear ?

*A.* In a melancholy starved Way.

*Q.* Did you ever see her in Company of her Mother ?

*A.* Never.

*Q.* Or the Father ?

*A.* Never.

*Q.* Where did you see her ?

*A.* From the Closet Window, and I saw her out of the Closet Window of Mr. *Gregory*'s House.

*Q.* Did she say any thing to you ?

*A.* I was alarmed by the Cries of the Child, and desired to know what was the Reason of it, and sent my Son to enquire, and he came down, and said he believed it was Fairies ; I went and saw, and spoke to her ; she said she starved and perished, and begged for a mouthful of Bread, or any thing.

*Q.* Did you see her more than once ?

*A.* Twenty Times.

*Q.* Did you supply her with Victuals.

*A.* Yes, by means of a Sugar-string and a Pole, to which the Victuals were tied.

*Q.* Did you see her often ?

*A.* I am certain I saw her twenty Times.

*Q.* Was she always in the same Place ?

*A.* I never saw her in any other.

*Q.* Did you observe any thing particular in the Countenance of the Girl ?

*A.* I did, and made a Remark, and told the Neighbours

that she had fine Eyes and Features, and Skin, and a Resemblance of her Mother.

Q. Was she fat or lean.

A. Lean, and her Person in a starved Condition.

Q. What distance of Time was there when you saw her first and last there ?

A. I can't justly tell.

Q. Was it a Month or Six Weeks ?

A. I believe better than Six Weeks.

Q. What Age did she say she was of.

A. That she was either fourteen or fifteen.

Q. Did you ever say any thing about her Prayers ?

A. I asked if she could say her Prayers, she said not; I asked her if she could say the Lord's Prayer, and she asked me what that was.

#### *Cross Examination.*

Q. Did you ever see Miss Molloy since ?

A. Once in the Hospital of Incurables.

Q. Are you certain of that ?

A. Yes.

Q. Look upon this Girl on the Table ?

A. I do, and answer it is the same.

Q. Are you sure this Girl on the Table is the *Sally Molloy* you saw Twenty Times within Six Weeks ?

A. I am very sure she is.

Q. Has this Girl a strong Resemblance of her Mother ?

A. I think so, as much as one Child can resemble another; I am certain this very Girl is the Girl I saw at the Window.

Q. Give an Account of your Reasons ?

A. By her Features, and also that when I mentioned my feeding her, she frowned on me and seemed to smile.

Q. Did not Mrs. M. charge you, on her return from the Country, with stealing Wine, &c.

A. She did.

Q. How long had you the Care of that House ?

A. While they were in the Country.

Q. Did not you make an Affidavit in this Case, and give Examinations ?

A. I swore but once, and that before Alderman Sweeny.

*Council for the Crown.*

We will now call Doctor King, who attended his Father to Mr. Molloy's in 1752, and will give an Account in what Condition and State he found her.

*Seventh Witness: Doctor King.*

Q. Was you called upon in 1752, to enquire into the State and Condition of *Sarah Molloy*?

A. I was, and went with Serjeant Malone and my Father.

Q. Did you see the young Lady at Mr. Molloy's House?

A. I did.

Q. How did she appear?

A. Very thin, pale, and of a sickly Complexion.

Q. Was she clothed in that Degree that became the Child of Counsellor Molloy?

A. She was decently cloathed.

Q. Could she say the Lord's Prayer?

A. She could nor repeat it thoroughly.

Q. Did you examine her thereto?

A. I did.

Q. How old was she at that time?

A. I should think not above eleven, though I have since heard she is older.

Q. Did she appear to be starved or ill treated?

A. She looked very thin and pale, but whether from starving or not I cannot tell.

Q. Did you see any Down on her Face?

A. I saw none.

*Cross Examination.*

Q. Look on this Child! What do you think?

A. I believe her to be a different Person.

Q. Was there a Day appointed for your going to Mr. Molloy's?

A. There was a Day appointed.

Q. Was not your Father sent for by Mr. Molloy?

A. I believe it was by Mr. Molloy's means he went.

Q. Was it Mr. Molloy appointed the Day?

A. It was agreed between my Father, Mr. Malone and him.

Q. Did you talk in private with her ?

A. I did not take her into another Room, but examined her Face,

Q. Did you ask any Questions of her ill Treatment ?

A. No.

*Eighth Witness: Mr. Philip Woodrooff the Surgeon.*

Q. Where do you live ?

A. In *Golden-lane*, the Corner of *Chancery-lane*.

Q. Do you know any thing of a Daughter of Mr. *Molloys* ?

A. I know nothing but by Hearsay.

*Cross Examination.*

Q. Did you look into the Mouth of the Girl at the Hospital ?

A. I did.

Q. Did you see her Tongue,

A. Yes.

Q. Did her Dumbness seem to proceed from any natural or accidental Cause ?

A. I saw no Marks but what were natural.

Q. Do you believe it proceeded from any natural means, or otherwise ?

A. From a natural Defect.

Q. Do you believe she might have had the power of Speech ?

A. I believe not.

Q. Do you believe her to have been an Ideot from her Birth ?

A. Yes.

*Counsel for the Crown.*

Q. Do the Counsel for the Traversers admit that this Girl was found in *Ross-lane*.

*Counsel for Traversers.*

A. We admit it.

*Ninth Witness: Margaret Gillroy.*

Q. Do you know Mr. *Molloys* ?

A. Yes.

Q. Did you live with him ?

A. Yes.

Q. How long ago.

A. I can't tell, but it's about ten Years ago.

Q. How

Q. How long did you live with him ?  
 A. Three Months.

Q. What Children had he ?  
 A. A Son and Daughter.

Q. How soon after you went there did you see the Daughter, and on what Occasion ?  
 A. About a Week after I went into the Yard, and saw her at the Window of the Closet, and heard her screeching, and asked who she was, and she said my Master's Daughter, and that her Mother put her there.

Q. Was the Window open ?  
 A. No, it was bolted, and locked on the Inside.

Q. Were the Shutters to ?  
 A. No, I asked what ailed her, and she said she was cold and hungry.

Q. Did you do any thing for her ?  
 A. No, I could not, she was locked up.

Q. Did she appear properly taken Care of ?  
 A. I saw no Care taken of her at all ?

Q. What Condition did she appear in ?  
 A. A very poor Condition.

Q. Was she covered with Hair ?  
 A. Almost covered.

Q. Did you ask her Age ?  
 A. No, but she appeared to be little.

Q. Look at that Girl on the Table, is it the same ?  
 A. To the best of my Knowledge it is.

Q. Did you see her frequently ?  
 A. No, very seldom.

Q. Did you converse with her when you saw her ?  
 A. No, I durst not.

Q. Was you alone with her ?  
 A. Never.

Q. Did you ever see her struck ?  
 A. Yes.

Q. By whom ?  
 A. By her Mother.

Q. With what ?  
 A. With Keys.

Q. What Kind of Keys ?

A. Small Keys.  
 Q. Where was she struck ?  
 A. In her Head.  
 Q. What was the Consequence ?  
 A. Her Head was bloody, for I washed her Cloaths.  
 Q. Where was the Stroke given ?  
 A. In the Parlour.  
 Q. Can you tell the Occasion ?  
 A. No, for I was just going in.

*Cross Examination.*

Q. What Reason have you to think this to be the Girl ?  
 A. From her Features.  
 Q. How long was you there ?  
 A. Three Months.  
 Q. Did not you see her often ?  
 A. No, for she was locked up.

*Counsel for the Crown.*

We have other Witnesses to the same Facts, but think it unnecessary, and rest it here.

*Counsel for the Traversers then observed,*

That no Account was given why this Prosecution was not carried on before ; it appearing that the Prosecutor and the Witnesses knew ten Years ago, whether there was any Foundation for the present Charge, and all which they have now given Testimony of, and ought to have acted recently. The Prosecution also begun by Affidavits taken from several of the Witnesses who have been examined, which is a Practice always condemned ; because a Person once drawn in to make an Affidavit, is for ever pinned down thereto. This public Way of charging must make very strong Impressions against this Gentleman, as People, according to their Credulity, are apt to take it up as real and convincing : But the Jury will not be biased by common Prejudice, but will judge upon Facts. However well intended this Prosecution was to serve the Public, it is supported by the weakest Facts ; by Women of the lower kind, who, when of an Enthusiastick Mind, never know where to stop : and by a Footman

to

to Mr. *Gregory*, and another of low Rank ; who all swear positively that this Girl upon the Table is the Girl starved in *Chancery-Lane*, to whom they gave Meat and Drink. But two others, more careful of their Souls and Characters, would go no further than to swear they believe it. But Mr. *King's* Testimony shews the Difference between Persons of Character and these low People ; and also the Chirurgeon, who tells you this Person was a Natural from her Birth. We shall prove that this unfortunate Person is the Child of an Apothecary, one *Clarke*, who failed, died, and left a Widow ; and the Mother not being able to maintain her Child, thought she might have met with Charity in *Dublin*, and might have got her into *Swift's Hospital* : and we have the Persons who brought her to *Dublin*. She was upon the Parish of St. *James's* about a Year, at different Places, where the Church-Wardens agreed for her, and at length carried her into another Parish. We shall prove that she was an Ideot from her Birth, and never spoke since she was four Years old, altho' *Gardiner* swears that she spoke to him in the Hospital. These Witnesses for the Prosecutor then cannot be believed : When you are satisfied in one Point, that she was always an Ideot, and that her Name is *Clarke*, how can you believe the rest ? Next, we shall prove that the young Lady produced by us, has been kept at a creditable Boarding-School. And we have present several Ladies of Distinction, and Relations of Mrs. *Molloy's* ; and also two Clergymen, who will give an Account how well, and with what parental Affection Mr. *Molloy's* Child has been educated : and then hope you will think nothing so dangerous to Liberty, Life, or Property, as to go by the Oaths of such People as the Prosecutor's Witnesses, who must be looked upon as the vilest and most detestable Crew.

*First Witness, Mrs. Margaret Smyth.*

Q. Do you know the Girl on the Table ?

A. I do.

Q. How long ?

A. Fourteen Years I believe.

Q. Where ?

A. At Balibrough in the County of *Cavan* : six Years I was absent

absent from *Baliborough*, in which Time she took a Disorder that has made her an Idiot. I knew her from a Child.

Q. Who were her Father and Mother?

A. Dr. *Clarke*, who kept an Apothecary's Shop in *Baliborough*, and her Mother's Name was *Harper*. Seven Years of the eight, after that I returned to *Baliborough*, I knew her, and seven Years of that she was as familiar to me as any of my own Family; her Name is *Mary Clarke*, reputed Daughter of *Andrew Clarke*; the six Years I was absent, I was but six Miles from it, and was often at *Baliborough*, and saw her with her Father there, though not often.

Q. How old do you believe her to be?

A. I believe her to be about fourteen or fifteen, or in her fifteenth Year.

Q. Do you know when her Father died?

A. Three Years last *May*.

Q. In what Circumstances did he die?

A. He left a Freehold Lease with his Widow, but what his Circumstances were I can't tell.

Q. How came this Girl to *Dublin*?

A. I saw her the Day she left *Baliborough*, which was in *October 1761*; I saw the Girl in a *Creel*, with a red Cloak, in a rainy Day, and asked who she was, and knew by the View of her that she was the Child.

Q. Did any one come with her?

A. There was a Man leading a Horse, and her Mother rid behind another Man and followed her.

Q. Do you know the Man who rid before her?

A. His Name is *Hunter*.

Q. What is your Maiden Name?

A. *Sheridan*, Sister of the late Dr. *Sheridan*.

*Cross Examination.*

Q. Did you see this Child since.

A. Not till I saw her in the Hospital; I knew her as well as I do my own Children.

Q. Has Mr. *Molloy* any Estate in *Cavan*?

A. I know none.

Q. Do you hold Lands from him?

A. I

*A.* I never heard of him, till I heard in the News Papers, that he had used his Daughter cruelly.

*Q.* At whose Instance did you come to Town to give Evidence.

*A.* I came upon a Summons.

*Second Witness:* Thomas Cosby, Esq.

*Q.* Where do you live?

*A.* Near Baliborough.

*Q.* Look on that Child on the Table, do you know her?

*A.* I have seen her several Times in Baliborough.

*Q.* How long long since you first saw her?

*A.* About eleven Years.

*Q.* Did you see her frequently afterwards?

*A.* Several Times.

*Q.* Whose Child is she?

*A.* The reputed Daughter of *Andrew Clarke*, Apothecary in Baliborough, by his Wife *Rachel Harper*.

*Q.* When did she leave Baliborough?

*A.* I can't say, but believe some time the latter End of September, or in October: they applied to me, to get a Letter to put this Girl in the Hospital, and a Letter, wrote by my Uncle, to Mr. *Thomson*, Merchant, in Dublin, I saw with Mr. *Thomson* last Night.

*Q.* What Hospital?

*A.* They did not say what, but as my Uncle was a Magistrate, I brought his Letter. I can swear to this Girl as positively as my Wife. I never saw Mr. *Molloy* till Yesterday.

*Q.* What brought you to Town.

*A.* Common Humanity, to serve the injured Gentleman.

*Cross Examination.*

*Q.* Do you know Mrs. *Clarke*?

*A.* Yes.

*Q.* Is she alive?

*A.* Yes.

*Third Witness:* John Cormick.

*Q.* Look on this Girl on the Table, have you ever seen her before?

A. I saw her last Monday at the Hospital.

Q. Where before?

A. At Baliborougħ.

Q. How long ago?

A. Above a Year since I saw her at Baliborougħ: About 11 or 12 Years before that I saw her there.

Q. How long did she continue there to your Knowledge?

A. I took remarkable Notice of her there, for she was seized with a Disorder about 11 or 12 Years ago.

Q. What Effect had that on her?

A. Convulsions.

Q. For what Purpose was she removed?

A. To be put into an Hospital in Dublin, as I understand.

Q. Who brought her to Town?

A. I can't say but by hearsay; but this is the same Girl I knew at Baliborougħ.

Q. How old is she?

A. About Fifteen.

Q. Did you know her before she was seized with these Convulsions? what Business do you follow?

A. A Shop-keeper.

Q. Do you know Mr. Molloy?

A. Never till Sunday last.

Q. Upon what Occasion did you come to Town?

A. To clear up the Character of a Person injured.

*Fourth Witness: James Longmore.*

Q. Did you ever see that Girl on the Table?

A. Several Times.

Q. When first?

A. Twelve Years and an half ago.

Q. How often since?

A. Almost every Week for about ten Years.

Q. Whose Daughter is she reputed?

A. Andrew Clarke's.

Q. In whose House did she live during his Life?

A. With him.

Q. What became of her afterwards?

A. I saw her in that House.

Q. Look

Q. Look at her, are you positive she is his Daughter ?  
 A. I am.

*Fifth Witness : Luke Reily.*

Q. Where do you live ?  
 A. In *Baliborough*.  
 Q. Do you know that Girl ?  
 A. Yes.  
 Q. How long ?  
 A. Thirteen Years.  
 Q. Whose Child was she reputed when you first knew her ?  
 A. *Andrew Clarke's*.  
 Q. In whose House did she live ?  
 A. His. I am a Neighbour there.  
 Q. How long has she been in these unfortunate Circumstances ?  
 A. About 7 or 8 Years ago that she lost her Health and Strength, she laboured under a Disorder that used to make her faint and swoon, and 7 or 8 Years ago came into the present Condition.  
 Q. How long since did her Father die ?  
 A. About 4 Years last Summer.  
 Q. Where did she live from her Father's Death, till her leaving *Baliborough* ?  
 A. With her Mother.  
 Q. When did she leave it ?  
 A. I know not of my own Knowledge.  
 Q. But you know her to be that Girl ?  
 A. As well as one of my own Children.  
 Q. Did she meet with any Accident or Hurt ?  
 A. Yes, I saw the Child after she was hurt on the Head by a Cow, and a Fall against the Wall.  
 Q. Did you see the Wound ?  
 A. Yes.  
 Q. How long ago ?  
 A. Ten or eleven Years.  
 Q. Whereabouts in her Head was this Hurt ?  
 A. I can't say, whether the Hurt proceeded from the Wound by the Horn, or Stroke against the Wall.

*Counsel*

*Counsel for the Traversers.*

This Witness accounts for the Wound in the Head, that has been mentioned by the Evidences for the Crown.

*Sixth Witness, Henry Hunter.*

Q. Look on that Girl on the Table, did you ever see her before ?

A. Several Times.

Q. Did you ever go with her to any Place ?

A. I rid before her Mother to *Dublin*, and she rid along with another Person who came with her, and that is the Girl who came to *Dublin*.

Q. How long before did you know her ?

A. Seven Years.

Q. Where did you live ?

A. Within half a Mile of *Baliborrough*.

Q. Whose Daughter was she ?

A. Mr. *Clarke's*.

Q. For what Purpose was she brought to *Dublin*, from *Baliborrough* ?

A. Her Mother intended to get her into the *Infirmary*.

Q. How was she carried ?

A. In a *Cleeve*, and another *Cleeve* on the other Side balanced with Stones.

*Cross Examination.*

Q. Where was she left in *Dublin* ?

A. I can't tell. A Man carried her on his Back, but I don't know where ?

*Mrs. Margaret Smyth called again.*

Q. Is that the Person who rid before the Mother ?

A. Yes, and this Boy is Nephew to the Mother of the Girl.

*Seventh Witness, Joceylin Phillips.*

Q. Do you know this Girl on the Table ?

A. I have seen her before ; and first saw her in St. James's Parish when I was Church-Warden ; she was left first at the House of one *John Kimberly*, to the Care of *Ellinor Bradshaw*, by *Mr. Tisdall* ; and I paid for her

Where

Q. Where was she removed to?

A. To *Judith Divin's*, who keeps a Cook's-shop.

Q. Why was she removed?

A. *Bradshaw* complained that the Girl was troublesome.

Q. How long was she at *Divin's*?

A. Nineteen Weeks from the 20th of *October*, and I paid for her as Church-Warden?

Q. Where was she removed afterwards?

A. I can't tell.

Q. But is that the Girl you paid for as Church-Warden?

A. Yes.

COURT. When you give a poor Person out to Lodging, you ought to make enquiry after her, and be able to give an Account of her.

A. I did make enquiry after her, and had an Account that she was taken Care of.

Q. What Account did *Divin* give of her?

A. That she was taken care of, some where near *Worburgh-Street*.

Q. Where?

A. She did not tell me where.

COURT. You did not behave according to your Duty, and seem to have been too easily satisfied.

A. I went to other Persons who would not take her because she was troublesome.

COURT. I shall ask him no more Questions, least he should Criminate himself.

*Cross Examination.*

Q. You say you paid for her 19 Weeks from the 20th *October*, What time did she leave the Cook's-shop? and upon what Occasion?

A. The Cook lost her Business by it, and would not keep her.

Q. Was there no other Reason?

A. No.

COURT. Church-Warden's *slifting* poor Persons, from Parish to Parish, to avoid Charge, is a very heinous Crime; and, I think, an indictable Offence: The Legislature has taken Notice of it, with respect to *Foundlings*, in strong terms of Censure, as a wicked and detestable Practice; so that the Witness, being upon his Oath, is not obliged to Answer that Question.

*Counsel for the Traversers.*

We will next proceed to Evidence, to prove that the Lady produced this Morning, is the Daughter of Mr *Molloy*.

*Eighth Witness: Dr Dunkin.*

Q. Do you know Mr and Mrs *Molloy*?

A. Very well.

Q. Do you know their Daughter?

A. Yes, I saw her here this Morning, and saw her last Monday.

Q. Is this she?

A. I am as positive of the Identity of the Daughter of Mr *Molloy* that appeared this Morning, as of the Diversity of the other, and that this poor Girl is not.

Q. How long have you known him and his Wife?

A. Above 20 Years. I did not see Miss *Molloy* for many Years, because I removed to a Distance from the Family, but the Moment I saw her, I recollect her Features, and that is the Daughter I saw at *Lacking*, in *Westmeath*, in *August 1746*.

Q. Did you know Mr *Coyn*, Grandfather of Miss *Molloy*?

A. Yes.

Q. What was the Treatment she received in Mr *Molloy*'s Family?

A. I never was conscious of any Inhumanity, for I knew Mr *Molloy* to be a Person of Humanity and Tenderness, and would have interposed from natural Affection.

Q. Have you ever known any ill Treatment from Mrs *Molloy* to her Daughter?

A. No.

Q. When first did you see her in the Family of her Father?

A. Above Twenty Years, I believe.

Q. Did you see her frequently at her Father's? did you Visit there?

A. I did Visit, and saw her treated with Tea; she was a sickly Child, but did not come into Company often, which I imputed to her bad state of Health, but whenever she did come into Company, I did not observe any bad Treatment?

Q. Have you ever seen her at Dinner?

A. I am sure I have, at a Side-Table.

Q. Do

Q. Do you recollect when she went abroad?

A. No, for I was at *Enniskillen*, in *Fermanagh*.

Q. How many Years did you visit there?

A. About 1746 I went to *Enniskillen*, 'till when I visited frequently, and then I discontinued many Years, and did not see her afterwards 'till last Monday, except that I saw her certainly at her Father's in *Chancery-Lane*, about 3 or 4 Times, but can't recollect the Year; but when I was at her Grandfather's House, I spent some Time there, and believe I saw her frequently there.

*Ninth Witness: The Rev. Mr Ross.*

Q. Do you know Mr *Molloy* and his Wife.

A. Yes.

Q. How long?

A. More than 20 Years.

Q. Have you visited frequently?

A. Yes.

Q. Where did they live?

A. In *Chancery-Lane*?

Q. What Family had they?

A. A Son and a Daughter, I knew both, the Daughter's Name was *Sarab*, I saw her this Day in COURT.

Q. When last before this Day?

A. Monday Fortnight at Mrs *Nugent*'s.

Q. How came you to see her there?

A. I was asked to Dine there, but could not, and went to make an Apology, and there saw *Sarab Molloy*.

Q. Did you know her?

A. I did, and it was the same Person that I knew to be the Daughter of Mr *Molloy*, as I believe.

Q. Did you attend lately at the Hospital of *Incurables*?

A. Upon hearing the Report of Cruelty, I went to see if she had any Resemblance of *Sarab Molloy* whom I had seen, and described her, as having dark Hair, and being a short fat Lump, and this before I saw the Girl in the Hospital; and upon going in and seeing this Girl, I immediately saw, that was not the Miss *Molloy* I knew, and that Girl whom I see

here, is not the Person I saw and knew as Miss *Molloy*: and the other I saw this Morning is.

Q. Who went with you to the Hospital?

A. I went singly.

Q. How many Years did you Visit Mr *Molloy* and his Wife?

A. Having been Dr *Dunkin*'s Usher, I was frequently there, and by being at Mr *Nugent*'s, I was in the Neighbourhood of Mr *Coyn* the Grandfather; when I saw this Lady, she challenged me, and being asked when she saw me last, she said the Year the House at *Donore* was burnt, I did not think it so lately, but thought her Memory better than mine.

Q. How was she treated?

A. Never different from other Persons in the House,

Q. Was she ever restrained from Eating at Table?

A. Never.

Q. Did you ever see ill Usage by her Father?

A. Never.

Q. Was she always of that Company?

A. At the Time of my seeing her in that Company she was about 8 Years Old, and was treated like the other Children there.

*Tenth Witness: Dr Charles Coughlan.*

Q. Do you know Mr *Molloy* and his Wife?

A. Yes.

Q. What Family had they?

A. A Son and Daughter.

Q. How long have you known them?

A. Above 20 Years.

Q. What Age was the Daughter of when you first knew her?

A. Five or six Years Old.

Q. Where did you know them?

A. At *Lackan* in *Westmeath* at her Grand-father's, Father of Mrs *Molloy*.

Q. In what manner was she treated?

A. I knew her 8 or 9 Years, and never knew her ill treated,

Q. Did you see her this Day?

A. In Court.

Q. Is

Q. Is that Girl in the Chair, the Daughter of Mr Molley?

A. By no Means, no resemblance in the World.

Q. Did you attend Miss Molley about any Disorder?

A. Yes, for a scald Head.

Q. Did that effect her Health?

A. She looked indeed Paler than otherwise she would, I directed the Quality of her Victuals, and that the Quantity should be lessened.

*Cross Examination.*

Q. Did you know her in 1752?

A. No.

Q. Did you ever see her in *Chancery-Lane*?

A. Never.

Q. What Year did you attend her for the scald Head?

A. It was before the Year 1750.

Q. Did you cure her?

A. No, but she was mending.

Q. Did Mrs Molloy shew an Anxiety about the Health of her Daughter?

A. As much as Mothers commonly shew, she brought her down from the Bed-Chamber and took her up with her.

Q. Do you believe whether she can read or write at this Day?

A. I do not know.

*Counsel for the Traversers.*

The Lady is still here if they please to examine her.

COURT. The usual Evidence in Cases of Indictment for Assault, is the Party assaulted: The young Gentlewoman appears of Age and Capacity to answer on Oath, and is within Call, and the Prosecutor may examine her if he pleases. (*He declined calling her.*)

*Counsel for Traversers.*

We will now produce Witnesses to the Point of Time in 1752.

*Eleventh Witness: Mrs Ann Darcy.*

Q. Do you know the Traversers and their Daughter?

A. Yes, and saw her on the Table this Morning.

Q. How old is she?

A. Past 26 to the best of my belief; I saw her when about 6 Months Old; I saw her at *Curduff*, at my own Nurses, who was Nurse to Mrs *Molloy*, Mr *Coyn* was my Father; I went with her to *Lackan*, and saw her constantly in the Country, and often in Town.

Q. Did you observe how she was used in the Family?

A. Always well used, and her Mother anxious for her, and going to send for a Physician on any slight Disorder: I knew her in 1750, 1751 and 1752, saw her some Part of the Year at my Father's in the Country, and at others in *Dublin*, in November, 1752, when I came to reside in *Dublin*, and she was always well treated.

Q. Was she put under any restraint of Diet?

A. Not to my Knowledge, I spent the Winter, 1752, in *Dublin*, at my House in *Dorset-Street*, and frequently dined at Mr *Molloy*'s with and without an Invitation.

Q. Do you believe there was any room for this Imputation on the Parents?

A. Not to my knowledge, I frequently dined there, and she dined below in the Parlour, she had a scald Head, and many Medicines were used. I always advised with Mrs *Molloy* when my own Children were ill, or guilty of youthful Follies, as I thought they were good-natured People.

Q. Did that good Treatment continue till she went to *England*?

A. It did.

Q. Did you see the Person that was in the Hospital?

A. I saw her here, and never before, but went to the Hospital to see her after Mr *Molloy* went to *England*, but was not admitted, and that Girl is not the Daughter of Mr *Molloy*, the other is, and they never had any other Daughter.

*Twelfth Witness: [Mrs Bridget M'Aulay.*

Q. Do you know the Traversers?

A. Thirty Years, and saw the young Lady produced on their Part as their Daughter, and know her to be the Lady who was introduced to me as such at Mr *Coyn*'s; her Father and Mother then lived in *Chancery-Lane*, where I saw her twice

twice before, On *Christmas Day* 1752, I saw her at *Cork-bill*, at her Uncle's.

Q. What state of Health was she in, and what was the Treatment when you saw her at her Father's?

A. I had no Reason to suspect bad Treatment.

Q. Who was with her at her Uncle's?

A. The whole Family, and some other Company : I was sent for to Dine there, but could not, but went to spend the Evening there. I did not observe any bad Treatment, but quite the contrary, I heard of the Advertisement published, and that made me observe the more.

Q. Was it a considerable Time before you saw her at her Uncle's, after you saw her at her Father's?

A. First I saw her in Summer, 1745, in *Chancery-Lane*, and saw her at her Grand-father's afterwards, but had not seen her a considerable Time, till I saw her at *Cork-Hill*: She did labour under the Disorder of a Scald-head, when I saw her at her Uncle's, and had not the Appearance of any Hair on her Face or Head.

*Thirteenth Witness: Mrs Sarah Archbold.*

Q. Do you know the Traversers?

A. I do, and their Daughter: I first knew her when she came to *Westmeath* about 21 Years ago, but it is as long as I can recollect; first I saw her at my Mother's, and at my Grand-father *Coyne's*, when I was very weak, and often staid a Month at a Time, and she was mostly there in the Summer, and very often in the Winter, and I never missed her at Dinner, Breakfast, or Supper, and she was treated as Children usually are; I visited Mr *Molley* in *Dublin*; and was there *Christmas-Day*, 1752, and visited every Day at *Chancery-Lane*, and always saw her there then in the Back and Street Parlour, no bad Usage appeared to me, and I saw her constantly at her Work. In *November*, 1752, I was in *Dublin* and saw her, she had a sore Head constantly, and sometimes sore toes, and I have applied several Cures, there came a Discharge from it, and a very offensive smell: I was very intimate with her since she was a Child.

Q. Did you ever see her naked?

A. I never saw her without Clothes, till she came from  
Abroad,

Abroad, and then had Curiosity to examine her, and she had no Marks. They went to *England* about Eight Years last Summer, and during all the Time from 1752, till then, I saw her frequently. When I saw her at Mrs *McAuley's* in *Bolton-Street*, I knew her immediately, and she knew me, she had no such Marks as had been mentioned, nor did I ever hear it, till I heard of the Advertisements last *Michaelmas*. I stripped her to see, and she had no Marks.

Q. Could she, in 1752, read or say her Prayers?

A. We were of different Religions, and I never asked her as to her Prayers, but I often saw her Reading in a Book.

Mrs *Darcy* being also asked as to the Marks, swore positively that she had none.

*Counsel for the Traversers.*

We will now examine the Servants in the Family to the Treatment.

COURT. What Occasion is there, after the Evidence you have given.

*Counsel for the Traversers.*

We can examine as to the Treatment at the Boarding-School, and we will consent to have Miss *Molloy* examined, by any two of the Ladies present, to see if she has any of those Marks insisted on for the Prosecutor.

MR JUSTICE ROBINSON opened to the JURY, the Substance of the Indictments, as before set forth; and summed up the Evidence; concluding with his Direction and Observations upon it, to the effect following.

1. Although it is of absolute Necessity, for the Welfare and Education of Children, that Human Laws should leave the Power of reasonable Correction to Parents, in whom Nature originally placed it; yet Abuses of that Power, by Excesses in the Means or Manner, are Offences punishable by Law. Upon this Principle, cruel Chastisements, with Weapons unfit for Correction, are Assaults; and the Desertion of Children, and exposing them to perish, or confining them without Sustenance, to starve; are unnatural Crimes of a very deep Dye: So that, without doubt, the

Facts,

Facts, as charged in the Indictments, are Offences indictable at the Common Law.

In case, *Gentlemen*, you believe, that the poor *Idiot Girl* of the Hospital, produced upon the Table, is not the *Traverser's Daughter*, *Sarah Molloy*; there is then no Proof of any ill Treatment, since the Year 1752; and consequently, the greater Part of the Charges of the Indictments, of Course falls to the Ground.

Upon this Supposition also, the whole Evidence of *Elinor Campbell*, *Arabella Mara* and *Mary Nary*, must be utterly rejected, and laid out of the Case: for having sworn so positively and deliberately, as they have done, to that Fact; if they are false in that material Part of their Testimony, they are not to be credited in any other. And upon this Supposition likewise, the present Prosecution appears to be set on Foot, at a Distance of 10 Years from the Time the Offence is charged to have been committed. It is one of the Blessings of our CONSTITUTION, that the Opportunities for enquiring into criminal Charges return frequently; so that there may be a recent Examination, while Witnesses are Forth-coming, and the Fact, with its Circumstances, fresh upon their Memory. And, although it is true, that, regularly, no length of Time will prescribe against a Prosecution for Crimes, at Common Law; yet great Delay in bringing it (if not well accounted for) must ever raise a just Suspicion in the Minds of JURIES against it! you are therefore to Consider, whether there is sufficient Reason assigned for the Delay in the present Case.

The Circumstance of a *Management*, with respect to *Gardiner*, in the Prosecutor's drawing for him a *Voluntary Affidavit*, and his swearing it, before his Examination by the Justice of Peace, also deserves your Consideration; both with regard to the Nature of the Prosecution, and the Effect it is to have upon the Credit of *Gardiner's* Evidence. The too common Practice of *Voluntary Affidavits*, made before Magistrates, is illegal: but the Practice is of the most penurious Tendency, when applied to Persons, who are afterwards to be examined, in a Course of Justice: and therefore, it has always been censured, as a

kind of Tampering with Witnesses, and binding them down to a set and formed Narration! for which Reason also, this Treatment must ever go, more or less, to the Credit of their Testimony, which it is the Province of the JURY to determine.

4. Laying the Evidence of those three Women out of the Case; the Stroke on the Head with the Keys, is proved by *Margaret Gilleroy*; And This, the Instrument being improper for Correction, is an *Assault*, in strictness of Law, by the *Traverser Vere*: The Circumstances also of *Confinement*, and hard Treatment with respect to Food in 1752; are sworn by *Walsh, Eaton, Gardiner* and *Gilleroy*: And if you believe them, you ought to find the *Traverser Vere* guilty of the *Assault*, and *Confinement*, as charged, in 1752; though you acquit her of the rest of the Indictments. But in settling your Opinions upon this point, you are to weigh, against this Evidence, the Account given by *Doctor Dunkin, Mr Ross, Doctor Cogblan, Mrs Darcy, Mrs M<sup>c</sup>Aulay* and *Mrs Archbold*, of the general Treatment of *Sarah Molloy*, by her Mother, and in the Family; and to consider, how far it takes off from the Evidence of *Walsh, Eaton, Gardiner* and *Gilleroy*. You are also to take into Consideration, the Exceptions that lie against any of these Witnesses, and to give them their due Weight. And here it may be very material, to keep in Mind, the Difference in Age between the *Idiot Girl* from the Hospital, and *Miss Molloy*; and their extreme Unlikeness in Features and Complexion! Circumstances that should seem to exclude any Possibility of ever mistaking one for the other.
5. The usual Evidence in *Assaults*, is the Oath of the party injured, who is generally the Prosecutor; but here the prosecutor is a Stranger to the young Gentlewoman and to her Family: And if you believe the Person produced in Court as *Sarah Molloy*, to be really so; then it appears to you, that the Party alledged to be injured, is forthcoming, of Age and Capacity to be examined on oath; and that the Prosecutor declines examining her.
6. Upon the whole, there is no Evidence against the *Traverser Neale*: So that he must be acquitted.

As to the other Traverser *Vere*; you are to acquit, or convict her, of the *Assault, and Confinement*, as charged, in 1752, according to your Belief upon the Evidence; But in Case you find her *guilty* of them, you should acquit her of the other charges of the Indictments, for which there is no Proof. If you do not think her *Guilty* of the *Assaults or Confinement*, your Verdicts must be, in general; **NOT GUILTY**, upon both *Indictments*.

The Jury then withdrew, and, in less than a Quarter of an Hour, returned with their *Verdicts*, that both the *Traversers* were **NOT GUILTY** on the first Indictment; and that the Traverser *Vere*, was not Guilty on the other Indictment.

*The Verdicts being recorded, the Counsel for the the Traversers moved to have Copies of the Examinations, of Elinor Campbell, Arabella Mara, and Mary Nary, in order to their being indicted for Perjury. Which Motion the COURT granted.*

*F I N I S.*



